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**OFFICE OF PETITIONS**

Applicant: Winston et al.  
Appl. No.: 10/686,911  
Filing Date: October 16, 2003  
Title: TOOTH ENAMEL REJUVENATING TOOTHPASTE  
Pub. No.: US 2005/0084461 A1  
Pub. Date: April 21, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on February 8, 2006, for the above-identified application

The request is **DISMISSED**.

The instant request is that the application be republished because the patent application publication contains a material error, as the publication does not include the claims filed with the application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The request for corrected publication received on February 8, 2006, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

The amendment received by the Office on January 5, 2005, which was improperly scanned into this application and published has been placed in the closed folder

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



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